

***VIOLENT CRIMES COMPENSATION BOARD
28TH ANNUAL REPORT***

FISCAL YEAR 2002

***THOMAS W. CASTALDI
CHAIRMAN***

***LEAH W. BETTS
VICE CHAIRWOMAN***

***V. LYNN GREGORY
STEPHANIE I. LIGUORI
STEPHEN L. MANISTA
COMMISSIONERS***

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January 22, 2003

Honorable Ruth Ann Minner
Governor of the State of Delaware

Honorable John C. Carney, Jr.
Lt. Governor of the State of Delaware

Russell T. Larson
Controller General

Peter M. Ross
Budget Director

Jack A. Markell
State Treasurer

28TH ANNUAL REPORT

Ladies & Gentlemen:

I have the honor to submit the 28th Annual Report of the Violent Crimes Compensation Board, hereinafter, referred to as VCCB for the Fiscal Year 2002. This report is rendered pursuant to the provisions of Title 11, Section 9013 of the Delaware Code.

Respectfully submitted by,

Thomas W. Castaldi
Chairman

LETTER FROM BOARD CHAIRPERSON

Violent crime can have a devastating effect on victims and their family members. Many victims suffer physically and emotionally as a result of violent crime and others are unable to return to work due to the injuries they sustained or the emotional turmoil. The most serious crimes, resulting in death, devastate the family of the victim and it sometimes takes years before they can begin to live their lives again in a normal manner.

The Violent Crimes Compensation Board was established to alleviate some of the financial burdens that these crimes leave on all victims. Compensation is available for medical/dental costs, funeral expenses, mental health counseling, and recently the Board has expanded their ability to compensate victims of domestic violence.

There was major staff change during the year. Joseph Hughes left his position of Executive Secretary. At present, Gertrude Burke is Acting Executive Secretary and continues to run the office. We wish to thank her for taking on the extra duties for the Board. The selection process has begun to hire a new Executive Secretary but no decision has yet been made.

During this fiscal year, the Board processed a total of 601 compensation requests. 451 of these requests were initial cases with an additional 145 claims that were reopened. Total claims processed for fiscal year 2002 almost doubled from the previous fiscal year. Hopefully, the following years can be as successful so that this agency can serve as many victims of crime in the State of Delaware and help alleviate the hardship that crime has placed on their lives. For the entire fiscal year the Board granted \$1,774,301.74 awarded for medical treatment, mental health counseling, loss of wages, funeral and burial costs and other miscellaneous expenses related to violent crime acts.

On behalf of fellow Board Members: Leah W. Betts, Vice Chairperson, Stephanie I. Liguori, and Stephen L. Manista, I would like to offer my sincere thanks and appreciation to each individual who contributed time and effort to help make this program successful. Over the years the Board has experienced a great deal of commitment and cooperation from many individuals, agencies, and programs. Special recognition is given to Gertrude Burke, Acting Executive Secretary, and her staff: Marcia A. Jenkins, Francis Scholl, and Howard P. Wilson, Crime Compensation Claims Investigators; and Zelda White-Cropper, Administrative Secretary and Cathleen Fining, Senior Secretary. Barbara Weiss has graciously returned on a temporary basis to help with the daily duties of the office until we

come to full staff. These individuals fortuitously devote their time and energy to help mend the lives of men, women, and children who suffer the effects of violent crime.

The Board is extremely grateful for the support it has received from the Honorable Ruth Ann Minner, Governor; the Legislature; M. Jane Brady, Attorney General; law enforcement officials throughout the State; and Delaware's victim service's professionals who refer crime victims to the VCCB.

As we move into the next fiscal year, we will continue our work to help stabilize the lives of victims -- one by one. Though we cannot stop the violence, we can make our program readily available to assist each man, woman, and child who needlessly suffer from the ill effects crime often bestows upon them and their families.

Thomas W. Castaldi
Chairman

ESTABLISHMENT

On July 18, 1974, the Governor of the State of Delaware approved legislation “to serve the public by compensating those who are victims of crimes committed within the State of Delaware.” This service is known as the Delaware Violent Crimes Compensation Board. The agency was founded to provide financial assistance as a means of meeting the additional hardships imposed upon the innocent victims of certain crimes and the families and dependents of those victims.

LEGISLATIVE INITIATIVES

Many legislative additions and amendments have been made throughout the years to accommodate the changing needs of crime victims, and to increase and protect program funding. Past legislative endeavors include:

REQUIRING THAT CRIMES BE REPORTED TO LAW ENFORCEMENT WITHIN 72-HOURS OF THE COMMISSION OF THE ACT. 0586

PROVIDING COMPENSATION TO DELAWARE RESIDENTS VICTIMIZED IN A STATE, POSSESSION, OR TERRITORY OF THE UNITED STATES SO LONG AS THE CRIME WOULD QUALIFY IN DELAWARE, AND IF THE PLACE OF CRIME OCCURRENCE DOES NOT HAVE A FUNCTIONAL COMPENSATION PROGRAM. 0688

INCREASING THE MAXIMUM AWARD PAYMENT FROM \$10,000 TO \$20,000 TO THE CURRENT MAXIMUM OF \$25,000. 0789

INCREASING THE STAFF COMPLEMENT FROM 5 TO 8 EMPLOYEES. 0590

RAISING THE CEILING ON ONE-MEMBER CLAIM PROCESSING FROM \$1,000 TO \$5,000. 0690

INCREASING THE PENALTY SURCHARGE LEVIED ON CRIMINAL OFFENSES FROM 10% TO 15% TO THE CURRENT RATE OF 18%. 0790

LIMITING THE TIME FRAME FOR RE-OPENING CASE FILES TO TWO YEARS FROM THE BOARD’S DECISION. 0591

DISQUALIFYING SUICIDE AS A COMPENSABLE CRIME. 0591

DISQUALIFYING COMPENSATION FOR INJURIES SUSTAINED DURING A DRUG-RELATED INCIDENT. 0591

PROHIBITING LUMP SUM AWARDS FOR MENTAL SUFFERING, SCARRING, AND DISFIGUREMENT. 0292

INCLUDING SECONDARY CRIME VICTIMS AS ELIGIBLE TO RECEIVE COMPENSATION FOR MENTAL HEALTH COUNSELING. 0793

DEFINING SECONDARY CRIME VICTIMS TO INCLUDE THE SPOUSE, SON, DAUGHTER, BROTHER, SISTER, OR PARENT OF THE PRIMARY CRIME VICTIM. 0793

PROTECTING THE IDENTITY OF CRIME VICTIMS BY PUBLISHING CASE NUMBERS IN LIEU OF NAMES IN VCCB'S ANNUAL REPORT. 06941

ESTABLISHING A FORENSIC MEDICAL EXAM PROGRAM AUTHORIZING THE VCCB TO PAY FOR COSTS TO GATHER FORENSIC EVIDENCE. 0595

ASSESSING A PENALTY ON CONVICTED SEX OFFENDERS. PROCEEDS REVERT TO THE VICTIM'S COMPENSATION FUND TO HELP DEFRAY COSTS PAID FOR FORENSIC MEDICAL EXAMS. 0595

REDIRECTING UNCLAIMED RESTITUTION FROM THE STATE'S GENERAL FUND TO THE VICTIM'S COMPENSATION FUND SO THAT RESTITUTION CAN BE USED FOR ITS INTENDED PURPOSE. 0695

EXTEND COVERAGE TO DELAWARE RESIDENTS VICTIMIZED DURING ACTS OF INTERNATIONAL TERRORISM. 0497

PROHIBIT THE PAYMENT OF COMPENSATION TO INDIVIDUALS WHO OWE ASSESSMENTS OR RESTITUTION TO THE VICTIM'S COMPENSATION FUND FOR PRIOR CRIMINAL OFFENSES. 0497

EXTEND BOARD AUTHORITY TO CLOSE MEETINGS FOR CASES RELATING TO SEXUAL OFFENSES, FOR NON-CRIMINAL COURT CASES IN WHICH THE DEFENDANT IS A MINOR, AND FOR UNADJUDICATED CASES. 0597

AMEND THE DEFINITION OF GUARDIAN TO INCLUDE "ANY PERSON, GOVERNMENTAL INSTRUMENTALITY OR PRIVATE ORGANIZATION. 0698

PERMITTING VICTIMS BETWEEN THE AGES OF 18 – 20 TO FILE CLAIMS FOR PAYMENT OF MENTAL HEALTH COUNSELING TREATMENT, IF THE CRIME OCCURRED PRIOR TO THE VICTIM'S 18TH BIRTHDAY, SO LONG AS THE CRIME OCCURRED PRIOR TO THE VICTIM'S 18TH BIRTHDAY, SO LONG AS THE CRIME OCCURRENCE IS APPROPRIATELY DOCUMENTED. 0698

PERMITTING VICTIMS TO RE-OPEN EXISTING CLAIMS FOR MENTAL HEALTH COUNSELING TREATMENT, IF THE VICTIM HAS NOT YET REACHED THE AGE OF 18 BY THE DATE OF THE BOARD'S ORIGINAL DECISION, AND PROVIDED THE REQUEST TO RE-OPEN THE EXISTING CLAIM IS FILED PRIOR TO THE VICTIM'S 20TH BIRTHDAY. 0698

AMENDING THE DEFINITION OF SECONDARY VICTIM TO INCLUDE ANY CHILD WHO RESIDES ON A REGULAR OR SEMI-REGULAR BASIS WITH ANY ADULT WHO IS THE VICTIM OF OR CONVICTED OF ANY CRIME INVOLVING AN ACT OF DOMESTIC VIOLENCE. 0698

PAYMENT FOR THE COSTS OF A PSYCHOLOGICAL ASSESSMENT DONE FOR THE PURPOSE OF EVALUATING THE MENTAL HEALTH NEEDS OF A CHILD VICTIM. 0698

PAYMENT FOR SHORT-TERM COUNSELING FOR THE PURPOSE OF MEETING THE MENTAL HEALTH NEEDS OF A CHILD VICTIM. 0698

PAYMENT FOR CRIME SCENE CLEAN UP, ESSENTIAL PERSONAL SAFETY PROPERTY, LOST WAGES FOR A CAREGIVER TO A CHILD VICTIM, AND REASONABLE EXPENSES FOR SECONDARY VICTIMS. 0700

PAYMENT FOR TEMPORARY HOUSING, MOVING EXPENSES, CHILD CARE, SECURITY DEPOSIT, USED FURNITURE COSTS AND FIRST MONTH'S RENT FOR DOMESTIC VIOLENCE VICTIMS. 0700

PAYMENT OF THE DEDUCTIBLE UNDER A POLICY OF AUTOMOBILE INSURANCE WHERE THE MOTOR VEHICLE IS STOLEN IN CONNECTION WITH THE CRIME. 0700

LOSS OF SUPPORT FOR VICTIMS OF DOMESTIC VIOLENCE WHEN THE OFFENDER IS INCARCERATED. 0700

PAYMENT FOR TOWING AND IMPOUNDMENT EXPENSES AS A RESULT OF THE CRIME. 0700

PAYMENT FOR THE COST TO CHANGE LOCKS AND REPLACE ITEMS SEIZED AS EVIDENCE. 0700

THE EXCLUSION OF LIFE INSURANCE PROCEEDS AS A COLLATERAL RESOURCE. 0700

REQUIREMENT OF AN UPDATED PHYSICAL OR MENTAL EXAMINATION WHEN THE VICTIM APPLIES FOR ADDITIONAL COMPENSATION FOR EXPENSES INCURRED MORE THAN ONE (1) YEAR FROM THE CRIME OCCURRENCE. (RULE X) 0302

INCREASED FUNERAL AND BURIAL AWARDS NOT TO EXCEED \$8,500.00. (RULE XXVII) 0302

PAYMENT OF REASONABLE EXPENSES FOR VICTIM TRAVEL TO AND FROM MEDICAL AND MENTAL HEALTH PROVIDERS WHEN THE ROUNDTRIP IS MORE THAN TEN (10) MILES. (RULE XXX) 0302

FUNDING

In Fiscal Year 1975, the VCCB was allocated a one-time appropriation of \$137,000 from the general fund for project start-up. To generate revenue for subsequent years a "penalty assessment" was placed into law, whereby, a 10% surcharge was levied on every fine, penalty, and forfeiture imposed and collected by the courts for criminal offenses. All revenue collected from the assessment is deposited into a revenue holding account entitled "Victim's Compensation Fund" to administer the program. Throughout the years, the surcharge has increased from 10% to 15% to its current rate of 18%. Revenue has increased from the initial appropriation of \$137,000 in FY 75 to a year-end revenue account balance of \$13,183,126.62 for FY 2002.

Reimbursements to the victim's compensation fund include court-ordered restitution, subrogation recoveries, probation interest, assessments on sexual offense convictions, and other miscellaneous revenue.

REVENUE SOURCE	BEGINNING BALANCE	ENDING BALANCE
BEGINNING BAL.	\$11,600,652.42	\$11,600,652.42
SURCHARGE 18%	2,686,446.69	14,287,099.11
RESTITUTION	96,397.48	14,383,496.59
SUBROGATION RFD.	53,389.66	14,436,886.25
INTEREST	13,591.18	14,450,477.43
MISCELLANEOUS	(4,456.18)	14,446,021.25
REFUNDS/PY	7,506.19	14,453,527.44
PENALTIES	0.00	14,453,527.44
FORENSIC ASSESSM	11,259.27	14,464,786.71
UNCLAIMED REST	3,036.06	14,467,822.77
FY02 TRANSFER	(1,284,696.15)	13,183,126.62
REVENUE BALANCE	//////////	\$13,183,126.62

FINANCIAL SUMMARY

The operational budget for FY 2002 was \$2,264,686.38. This includes (ASF) expenses of \$1,977,909.65 [state funds-administrative and victim payments]; \$41,632.83 [encumbered funds]; and \$245,143.90 from VOCA grant funds (NSF), which include administrative and victim payments. Authorized payments of compensation for Fiscal Year 2002 totaled \$1,747,301.74 with administrative costs at \$498,462.40.

Awards granted by the Board totaled \$1,747,301.74 and was awarded to claimants/ victims, medical providers, funeral service providers, attorneys, and miscellaneous service facilities that provided care and assistance to innocent crime victims. Actual award payments total \$1,587,964.71 with \$159,337.03 to be paid during the first quarter of FY 2003.

FISCAL YEAR 2002 BUDGET EXPENDITURES			
LINE ITEM	OPERATIONAL COSTS	ENCUMBERED FUNDS	TOTAL EXPENSES
SAL/ OEC	\$394,360.72	0.00	\$394,360.72
TRAVEL	25,800.34	0.00	25,800.34
CON.SER.	28,861.48	41,632.83	70,494.31
SUPPLIES	6,762.80	0.00	6,762.8
CAP. OUTLAY	1,044.23	0.00	1,044.23
REFUNDS	0.00	0.00	0.00
ASF ADMIN	\$456,829.57	41,632.83	\$498,462.40
ASF VICTIMS	1,521,080.08	0.00	1,521,080.08
TOTAL ASF	\$1,977,909.65	\$41,632.83	\$2,019,542.48
NSF ADMIN	18,922.24	0.00	18,922.24
NSF VICTIMS	226,221.66	0.00	226,221.66
TOTAL NSF	\$245,143.90	0.00	\$245,143.90
TOTAL VICTIMS	1,747,301.74	0.00	1,747,301.74
TOTAL BUDGET	\$2,223,053.55	\$41,632.83	\$2,264,686.38

REVENUE SUMMARY FISCAL YEAR 2002			
JUSTICE OF THE PEACE COURTS		ALDERMAN'S COURTS	
RECEIPTS	\$1,227,889.74	COURT #31	0.00
////////	////////	COURT #32	0.00
////////	////////	COURT #33	2,696.78
	////////	COURT #34	0.00
////////	////////	COURT #35	7,624.55
////////	////////	COURT #37	2,408.69
////////	////////	COURT #40	98,378.65
////////	////////	COURT #41	0.00
////////	////////	COURT #42	30,249.24
////////	////////	COURT #43	36.00
////////	////////	DOVER CT	12,075.06
TOTAL	\$1,227,889.74	TOTAL	\$153,468.97
COURT OF COMMON PLEAS		SUPERIOR COURT	
RECEIPTS	\$784,163.74	NEW CASTLE	\$262,683.12
////////	////////	KENT	122,191.12
////////	////////	SUSSEX	96,178.51
TOTAL	\$784,163.74	TOTAL	\$481,052.75
FAMILY COURT		OTHER COURTS	
NEW CASTLE	////////	TN OF DEWEY	\$17,114.41
KENT	////////	TN OF ELSMERE	0.00
SUSSEX	////////	MISCELLANEOUS	513.50
TOTALS	\$22,243.58	TOTAL	\$17,627.91

REVENUE SUMMARY FISCAL YEAR 2002 (CONTINUED)		
BEGINNING BALANCE: 07/01/01	\$11,600,652.42	//////////
LESS: FY 2002 BUDGET	(1,284,696.15)	//////////
NET BALANCE ON 07/01/01		\$10,315,956.27
COURT RECEIPTS:		
JUSTICE OF THE PEACE COURTS	1,227,889.74	//////////
COURT OF COMMON PLEAS	784,163.74	//////////
FAMILY COURT	22,243.58	//////////
ALDERMAN'S COURT	171,096.88	//////////
SUPERIOR COURT	481,052.75	//////////
TOTAL COURT RECEIPTS		2,686,446.69
RESTITUTION	96,397.48	//////////
SUBROGATION	53,389.66	//////////
INTEREST	13,591.18	//////////
PY/REFUNDS	7,506.19	//////////
UNCLAIMED RESTITUTION	3,036.06	//////////
PROBATION RESTITUTION	0.00	//////////
FORENSIC ASSESSMENT	11,049.27	//////////
OTHER REVENUE	(4,456.18)	//////////
TOTAL OTHER REVENUE		\$180,723.66
YEAR-END REVENUE / BEGINNING BALANCE FOR FY 2002		\$13,183,126.62

Funding for FY 2002 (ASF) budget will be drawn from the above year-end-revenue. During Fiscal Year 2002, the VCCB used the remaining balance of the 1999 Federal Grant. VCCB was awarded a 2000 Grant in the amount of \$367,000.00 in March 2000 and in February 2001 a Federal Grant was award in the amount of \$178,000.00. In April 2002, Federal Grant 2002 was awarded in the amount of \$228,000.00. No monies were expended during Fiscal Year 2002 for 2000 Grant, 2001 Grant or 2002 Grant. The federal VOCA supplemental grant offer reimbursement of \$.40 for each dollar paid to eligible crime victims from state appropriations (certain conditions apply).

Fiscal Year 2002 Claim Processing Statistics

CLAIMS PROCESSED	CLAIMS		TOTAL
	INITIAL	RE-OPEN	
APPROVED CLAIMS	373	135	508
CLAIMS NOT-APPROVED	77	10	87
CLAIMS WITHDRAWN	4	0	4
CLAIMS DISMISSED/OTHER	2	0	2
TOTAL CLAIMS PROCESSED	456	145	601

During this operational period, twenty-one [21] claims were remanded back to the Board for a live hearing. In fourteen [14] of the cases, the Board reversed its initial decision and the claimants/victims were approved. In seven [7] of the cases the initial decision was affirmed.

In Fiscal Year 2002, the Board granted compensation in the amount of \$1,747,301.74, which included \$1,661,249.04 to victims/providers; \$75,299.45 in forensic medical payments (SANE) and \$10,753.25 in child counseling payments (CCAP). The total figure also included FY 2001 awards paid in FY 2002 in the amount of \$59,752.64.

VCCB law grants all aggrieved claimants the right to appeal to the Superior Court of the State of Delaware within thirty (30) days of the Board's decision. A claimant may choose to waive the thirty (30) day waiting period by appearing before a notary and signing a "Right of Appeal Waiver" form. If the claimant chooses this path, any award granted is released immediately. If the claimant does not sign the waiver, the VCCB must wait thirty (30) days from the Board's decision before payment is released.

In accordance with the thirty (30) days appeal period, not all awards granted during FY 2002 were paid out. Awards statutorily authorized for release were \$1,747,301.74 with payout of \$1,587,964.71, and reserves of \$159,337.03. Reserves will be paid in Fiscal Year 2003 after the lapse of the thirty (30) days appeal period.

CRIME LOCATION/APPROVED CLAIMS ONLY	
NEW CASTLE COUNTY	245
KENT COUNTY	68
SUSSEX COUNTY	60
OUTSIDE	0
TOTAL CRIME BY LOCATION	373

66% of claims awarded represent crimes that occurred in New Castle County; 18% of claims awarded represent crimes that occurred in Kent County; and 16% of claims awarded represent crimes that occurred in Sussex County. Comparing historical data of awards granted per county, we note that the current distribution follows closely with the awards granted during the past two year fiscal periods. In Fiscal Year 2001, the award distribution per county ranged from 65% New Castle County, 14% Kent County, 21% Sussex County to a Fiscal Year 2000 range of 59% New Castle County, 23% Kent County, and 18% Sussex County.

CLAIMS APPROVED BY VENDOR/PROVIDER	
HOSPITAL	\$446,879.30
CLAIMANT/VICTIM (LOSS OF EARNINGS)	357,943.46
PHYSICIAN	248,670.69
FUNERAL/BURIAL	134,655.00
LOSS OF SUPPORT	106,820.87
MENTAL HEALTH	78,144.58
FY 01 AWARDS PAID IN FY 02	59,752.64
CLAIMANT/VICTIM (OUT-OF-POCKET EXPENSES)	55,936.17
DENTAL	49,369.60
ANESTHESIA	35,186.97
X-RAY	25,918.31
AMBULANCE	21,709.26
MISCELLANEOUS	19,405.21
DEL STATE POLICE VICTIM FUND	9,283.30
MOVING EXPENSES (DOMESTIC VIOLENCE)	5,762.22
TEMPORARY HOUSING (DOMESTIC VIOLENCE)	1,548.95
SECURITY DEPOSIT (DOMESTIC VIOLENCE)	1,545.00
CRIME SCENE REPAIRS	1,451.00
ATTORNEY	394.51
RENTAL PAYMENTS (DOMESTIC VIOLENCE)	360.00
CRIME SCENE CLEAN UP	282.00
NEW CASTLE COUNTY POLICE VICTIM FUND	230.00
TOTAL AWARDS GRANTED BY VENDOR/PROVIDER	\$1,661,249.04
FORENSIC-SEXUAL ASSAULT EXAMINERS PROGRAM	75,299.45
CHILD COUNSELING ASSESSMENT PROGRAM	10,753.25
TOTAL AWARDS GRANTED FISCAL YEAR 2002	1,747,301.74

INITIAL/REHEARD CLAIMS APPROVED BY CRIME TYPE	
ASSAULT	\$828,103.24
MURDER/HOMICIDE	165,822.29
ATTEMPTED MURDER	126,958.57
DOMESTIC ASSAULT/SPOUSAL	102,506.79
DUI-VEHICULAR ASSAULT	72,736.06
DUI-VEHICULAR HOMICIDE	65,462.40
AWARDS GRANTED IN FY 01 PD IN FY 02	59,752.64
HIT & RUN	54,086.64
OTHER	46,669.59
SEXUAL ASSAULT/ADULT	44,632.37
CHILD SEXUAL ABUSE	43,125.82
ROBBERY	12,813.83
DOMESTIC ASSAULT/SEXUAL	10,542.60
ASSAULT/SCHOOL RELATED	7,832.67
VEHICULAR ASSAULT	7,822.39
DOMESTIC HOMICIDE	7,100.00
ARSON	2,914.18
CHILD PHYSICAL ABUSE	1,828.70
RECKLESS ENDANGERING	367.18
CARJACKING	171.08
TOTAL AWARDS GRANTED BY CRIME TYPE	\$1,661,249.04
FORENSIC MEDICAL EXAMS	75,299.45
CHILD COUNSELING & ASSESSMENT PROGRAM	10,753.25
TOTAL AWARDS AUTHORIZED BY CRIME TYPE	\$1,747,301.74

WEAPON TYPE/APPROVED CLAIMS ONLY	
HANDS/FEET	189
GUN	68
OTHER	29
KNIFE	23
VEHICLE	20
UNKNOWN	13
BODY	11
BOTTLE	10
BASEBALL BAT/CLUB/PIPE/ROCKS	9
FIRE	1
TOTAL WEAPON TYPE	373

In 51% of the cases awarded by the VCCB in FY 2002, the hands and feet were the most frequently used weapons to cause physical injury to the crime victim. Deadly weapons used during the commission of the crime, such as a gun 18% and other weapons 8% rank respectively of awarded claims.

REFERRAL TYPE/APPROVED CLAIMS ONLY	
VICTIM SERVICE UNITS/POLICE BASED	181
OTHER	52
VICTIM SERVICE/DEPT OF JUSTICE	41
POLICE AGENCIES	41
MEDICAL PROVIDERS	28
PROSECUTOR	10
UNKNOWN	7
FAMILY/FRIEND	4
PUBLIC SERVICE ANNOUNCEMENT/BROCHURE	3
ATTORNEY GENERAL	3
POSTERS/BROCHURES	2
FUNERAL HOME	1
TOTAL REFERRAL TYPE	373

In Fiscal Year 2002 victim service's units (both Police Agencies and Department of

Justice) made more than 60% of the referrals to the compensation program.

INITIAL CLAIMS APPROVED BY GENDER	
MALE	199
FEMALE	174
TOTAL	373

Approximately 53% of the cases awarded involved male crime victims. The three most prevalent types of offenses committed against males who filed for crime victim compensation benefits include: physical assault at 140 cases; murder/homicide 19 cases and attempted murder at 8 cases.

Approximately 47% of the cases awarded involved female crime victims. The three most prevalent types of offenses committed against females who filed for crime victim compensation benefits include: physical assault at 61 cases; domestic/spousal abuse 41 cases and child sexual abuse 23 cases.

INITIAL CLAIMS APPROVED BY DESCENT	
WHITE	192
BLACK	135
HISPANIC	30
AMERICAN INDIAN/OTHER	9
ASIAN	7
TOTAL	373

Approximately 51% of the cases awarded involved white crime victims. The predominant types of offenses committed against members of the white community include: physical assault at 98 cases; child sexual abuse 26 cases and domestic violence/spousal at 25 cases.

Approximately 36% of the cases awarded involved black crime victims. The predominant types of offenses committed against black community members include: physical assault at 76 cases; domestic abuse/spousal at 16 cases; murder at 11 cases and attempted murder at 11 cases.

Approximately 8% of the cases awarded involved Hispanic crime victims. The predominant offense committed against Hispanic community members was: physical assault at 15 cases.

Approximately 2% of the cases awarded involved Asian crime victims. The predominant type of offense committed against Asian community members was: physical assault at 3 cases and murder/homicide at 3 cases.

Approximately 1% of the cases awarded involved American Indian/Other victims. The predominant type of offense committed against American Indian/Other community members was: physical assault 4 cases.

INITIAL CLAIMS APPROVED BY AGE GROUPS	
0-18	69
19-35	151
36-54	128
55-OVER	25
TOTAL	373

Approximately 61% of the cases awarded involved adults between the ages of 19 – 35. The most predominant types of offenses committed against this age group include: physical assault 92 cases; domestic/spousal abuse 19 cases and murder 11 cases.

Approximately 34% of the cases awarded adults between the ages of 36 – 54. The most predominant types of offenses committed against this age group include: physical assault 74 cases; domestic/spousal abuse 19 cases and murder/homicide 10 cases.

Approximately 18% of the cases awarded involved children between the ages of 0 – 18. The most predominant types of offenses committed against this age group include: child sexual assault 29 cases; physical assault 20 cases; murder/homicide and child physical abuse at 4 cases each.

Approximately 7% of the cases awarded involved adults between the ages of 55 and over. The most predominant types of offense committed against this age group include: physical assault 13 cases.

APPROVED CLAIMS/TYPE OF CRIME (NEW CLAIMS ONLY)	
ASSAULT	201
DOMESTIC ABUSE/SPOUSAL	42
CHILD SEXUAL ABUSE	30
MURDER/HOMICIDE	29
OTHER	11
DUI/VEHICULAR ASSAULT	10
ATTEMPTED MURDER	15
SEXUAL ASSAULT (ADULTS)	8
ROBBERY	6
DOMESTIC ABUSE/SEXUAL	4
DUI/VEHICULAR HOMICIDE	4
CHILD PHYSICAL ABUSE	4
HIT & RUN	3
VEHICULAR ASSAULT	2
CARJACKING	1
ARSON	1
DOMESTIC HOMICIDE	1
RECKLESS ENDANGERING	1
TOTAL AWARDED CLAIMS BY CRIME TYPE	373

In Fiscal Year 2002, 201 physical assault victims were granted compensation benefits in the amount of \$828,103.24. Victims and family members of domestic abuse/domestic homicide were granted \$120,149.39; victims and family members of child sexual abuse received \$43,125.82, and victims and family members of murder were granted \$165,822.29. Compensation was granted for medical expenses, wage loss, mental health counseling, funeral/burial expenses, loss of support, moving, rental payments, security deposits and temporary housing for domestic abuse victims and other ancillary crime-related costs.

Claims Not Approved for Crime Victim's Compensation

INITIAL CLAIMS NOT APPROVED FOR COMPENSATION	
NO COMPENSABLE LOSS	14
NO CRIME	12
CONTRIBUTION	9
LACK OF COOPERATION/BOARD	8
LACK OF COOPERATION/POLICE	8
OVER 1 YEAR FILING DEADLINE	6
INSURANCE SETTLEMENT	5
DRUG RELATED	4
WITHDRAWN	4
OTHER	3
OVER 72 HOURS	2
FRAUDULENT CLAIM	2
MONEY DUE FROM OFFENDER TO COURT	2
DISMISSED	2
UNDER \$25.00	1
NOT CRIME RELATED	1
TOTAL PROCESSED CLAIMS NOT AWARDED	83

Processed claims not awarded include 83 initial claims decided by the Board and 10 reopened claims.

In Fiscal Year 2002, 14% of the initial claims processed were not awarded benefits. The highest-ranking denial reason at 17% was based on claimants having no compensable loss. In Fiscal Year 2001, 25% of the claims were rejected due to claimants also having no compensable loss. In Fiscal Year 2000, 29% of the claimants were rejected due to claimants having contributed to the situation leading to the injuries.

In May 1991 legislation was passed denying benefits to those who sustain injury in drug-related crimes. With legal enforcement, the Board has denied a total of 49 claims for benefits, with four of those applicants denied during this fiscal year reporting period.

INITIAL/REHEARD CLAIMS NOT-APPROVED BY CRIME TYPE	
ASSAULT	40
CHILD SEXUAL ABUSE	8
OTHER	7
DUI/VEHICULAR ASSAULT	6
DOMESTIC/SPOUSAL	4
SEXUAL ASSAULT (ADULT)	4
ATTEMPTED MURDER	3
DUI/VEHICULAR HOMICIDE	3
MURDER	3
HIT & RUN	2
DOMESTIC/SEXUAL	1
ROBBERY	1
VEHICULAR ASSAULT	1
TOTAL INITIAL CLAIMS	83
REHEARD CLAIMS	10
TOTAL CLAIMS NOT APPROVED	93

CLAIMS NOT-APPROVED BY DENIAL REASON	
PHYSICAL ASSAULT CASES	
LACK OF COOPERATION W/POLICE	6
CONTRIBUTION	6
NO COMPENSABLE LOSS	4
OVER ONE YEAR	4
LACK OF COOPERATION W/BOARD	4
WITHDRAWN	3
OVER 72 HOURS FILING	2
DRUG RELATED	2
NO CRIME	2

MONEY OWED TO VCF	2
FRAUDULENT CLAIM	2
OTHER	1
NOT CRIME-RELATED	1
INSURANCE SETTLEMENT	1
TOTAL PHYSICIAN ASSAULT	40

CLAIMS NOT-APPROVED BY DENIAL REASON	
CHILD SEXUAL ABUSE	
NO COMPENSABLE LOSS	3
NO CRIME	2
UNDER \$25.00	1
DISMISS	1
WITHDRAWN	1
TOTAL CHILD SEXUAL ABUSE	8

CLAIMS NOT-APPROVED BY DENIAL REASON	
OTHER	
NO CRIME	4
NO COMPENSABLE LOSS	3
TOTAL OTHER	7

CLAIMS NOT-APPROVED BY DENIAL REASON	
DUI/VEHICULAR ASSAULT	
INSURANCE SETTLEMENT	2
NO COMPENSABLE LOSS	1
LACK OF COOPERATION W/BOARD	1
OVER ONE YEAR FILING	1
OTHER	1
TOTAL DUI/VEHICULAR ASSAULT	6

CLAIMS NOT-APPROVED BY DENIAL REASON	
DOMESTIC ABUSE/SPOUSAL	
NO COMPENSABLE LOSS	2
NO CRIME	1
OTHER	1
TOTAL DOMESTIC ABUSE/SPOUSAL	4

CLAIMS NOT-APPROVED BY DENIAL REASON	
SEXUAL ASSAULT (ADULT)	
NO CRIME	3
OVER ONE YEAR FILING	1
TOTAL SEXUAL ASSAULT (ADULT)	4

CLAIMS NOT-APPROVED BY DENIAL REASON	
ATTEMPTED MURDER	
CONTRIBUTORY CONDUCT	2
LACK OF COOPERATION/W POLICE	1
TOTAL ATTEMPTED MURDER	3

CLAIMS NOT-APPROVED BY DENIAL REASON	
DUI/VEHICULAR HOMICIDE	
CONTRIBUTORY CONDUCT	1
LACK OF COOPERATION W/BOARD	1
INSURANCE SETTLEMENT	1
TOTAL DUI/VEHICULAR HOMICIDE	3

CLAIMS NOT-APPROVED BY DENIAL REASON	
MURDER/HOMICIDE	
DRUG RELATED	2
LACK OF COOPERATION W/BOARD	1
TOTAL MURDER/HOMICIDE	3

CLAIMS NOT-APPROVED BY DENIAL REASON	
HIT AND RUN	
INSURANCE SETTLEMENT	1
DISMISS	1
TOTAL HIT AND RUN	2

CLAIMS NOT-APPROVED BY DENIAL REASON	
VEHICULAR ASSAULT	
LACK OF COOPERATION W/BOARD	1
TOTAL VEHICULAR ASSAULT	1

CLAIMS NOT-APPROVED BY DENIAL REASON	
ROBBERY	
NO COMPENSABLE LOSS	1
TOTAL ROBBERY	1

CLAIMS NOT-APPROVED BY DENIAL REASON	
DOMESTIC ABUSE/SEXUAL	
LACK OF COOPERATIONW/POLICE	1
TOTAL DOMESTIC ABUSE/SEXUAL	1

FORENSIC MEDICAL EXAM PROGRAM
FOR THE
FISCAL YEAR 2002

FORENSIC MEDICAL EXAM PROGRAM (FME)

FME CLAIMS	
CLAIMS RECEIVED	266
CLAIMS PROCESSED	306*
CLAIMS PENDING	0

FME CLAIMS PROCESSED	
AWARDS	194
DENIALS	112
TOTAL PROCESSED	306

FME CLAIMS DENIED	
EXPENSES PAID BY INSURANCE	62
NO FORENSIC EXAM PERFORMED	32
OUT-OF-STATE CLAIMS	12
UNDOCUMENTED EXPENSES	4
CHARGES WRITTEN OFF	1
DUPLICATE CLAIM FILED	1
TOTAL FME CLAIMS DENIED	112

** THIS TOTAL OF 306 INCLUDES PROCESSING OF SANE CASES THAT WERE RECEIVED DURING FISCAL YEAR 2001.*

***CHILD COUNSELING AND
ASSESSMENT PROGRAM***

FOR

FISCAL YEAR 2002

CCAP

CCAP CLAIMS	
CLAIMS RECEIVED	26
CLAIMS PROCESSED	19
CCAP CLAIMS PENDING	7

The Child Counseling and Assessment Program (CCAP) pays for counseling expenses incurred by minor children that have become victims in the State of Delaware. These expenses are paid directly to the provider on behalf of the victim. Even though the monies expended for this Program comes from the victim line of the Violent Crimes Compensation Board, no regular compensation claim needs to be filed for these incurred expenses.

Of the above nineteen (19) claims that have been processed this fiscal year, all of the cases have been retained for future counseling expenses to be paid during the next fiscal year.

SUMMARY OF CASE FILES
FOR THE
FISCAL YEAR 2002

Summaries of Claims Heard During Fy 2002 By the Violent Crimes Compensation Board

01-7067-PJ

The claim was received requesting compensation for uncovered medical expenses. The claimant worked as a deliveryman in a local fast food restaurant and upon leaving for the day was accosted by an unknown man, shot and robbed. Because the restaurant was a family owned business no workman's compensation was available to this victim. The victim sustained gunshot wounds to the left forearm, abdomen and small bowel with the bullet lodging in his pelvis.

The victim was awarded \$16,705.80 for all uncovered medical expenses that he sustained as a result of his injuries.

02-7280-PW

The claim was received requesting compensation for uncovered present and future medical expenses not covered through the victim's medical insurance.

The victim was an elderly woman, who as a result of a purse snatching, was severely injured. Upon arrival at the scene by police officers, they found the victim lying in a pool of blood with injuries to her face and head. The victim was admitted to the hospital suffering from severe head (coma) and hip trauma.

To date, at the end of this fiscal year, the victim was awarded the sum of \$21,359.37 for unpaid medical expenses. Jurisdiction has been granted to the victim for mental health counseling and additional medical expenses, pertaining to the crime, that are not covered through her health insurance up to the maximum that can be awarded.

02-7322-PS

The claim was received requesting compensation for uncovered medical expenses, out-of-pocket expenses and loss of earnings.

According to the police report, while standing outside an apartment complex, the victim was accosted by an unknown individual and was stabbed. The stabbing resulted in multiple wounds in the chest, back and arm.

The victim was awarded the sum of \$12,559.01 covering his unpaid medical expenses, incurred out-of-pocket prescription expenses and loss of earnings.

01-7267-PS

The claim was received requesting compensation for uncovered medical expenses, out-of-pocket expenses and loss of earnings.

According to the police records, the claimant became involved in a fight over money that he owed for crack cocaine. As a result of his involvement, the victim sustained a broken jaw

The Board found that the victim was involved in a drug related incident therefore denying his request for compensation. The denial falls under the provisions set forth in Chapter 90, Title 11, Section 9006 of the Delaware Criminal Code which reads as follows: "Where the victim has sustained injuries during drug-related crime in which the victim was an illegal participant."

01-6997-PJ

The claim was received requesting compensation for uncovered medical expenses, out-of-pocket expenses and loss of earnings.

According to police records, the victim became involved in an argument and was assaulted with a baseball bat, which resulted in a fractured right wrist and contusions to his head. The defendant also poured acid in the victim's eye causing a cornea burn, which would probably result in permanent injury to his left eye.

During this fiscal year, the total awarded to this victim was \$18,750.00 for unpaid medical expenses, reimbursement of out-of-pocket medical expenses and loss of earnings.

In rendering this decision, the Board found that the victim contributed to the situation and diminished the award by 25%. The claim was retained for future loss of earnings upon receipt of proper documentation from his treating physician. All future awards would also be diminished by 25% due to the original contributory factors.

02-7306-DJ

The claim was received requesting compensation for unpaid funeral expenses and loss of support for the victim's five children.

According to the police report, the victim was riding in a automobile that was speeding and the driver lost control of the vehicle causing it to leave the road and roll over several times. The victim was thrown from the vehicle and was declared dead at the scene of the incident.

The claimant, who was the mother of the victim, was awarded the maximum amount of \$25,000.00. This represented payment in the amount of \$4,000.00 for funeral expenses and the remaining balance of the maximum award in the amount of \$21,000.00, awarded for loss of support, which was equally divided between the five children of the victim.

01-7197-PS

The claim was received requesting compensation for uncovered medical expenses and out-of-pocket expenses.

According to the police report the claimant went to the home of the defendant and started an altercation. It was the Board's opinion that if the victim had not made the first

confrontation there would not have been victimization; therefore the Board denied the victim's request for compensation based on the behavior of the victim, which they felt contributed to the crime. This denial was based on Title 11, Chapter 90, Section 9006 (8) (b) of the Delaware Criminal Code.

The victim was in disagreement with the Board's decision and requested a live hearing. After hearing testimony from the claimant and the testifying officer, it was the decision of the Board to rescind its original decision of denial and award the victim the amount of \$2,700.31 for unpaid medical expenses and out-of-pocket expenses.

01-7212-PW

The claim was received requesting compensation for uncovered medical/dental expenses, out-of-pocket expenses and loss of earnings.

According to police information, the victim sustained facial injuries as a result of being struck in the face by the offender with a closed fist. Injuries included abrasions of elbows, knees, ribs, broken upper front tooth and laceration to lip.

An award in the amount of \$10,002.92 was granted for uncovered medical/dental expenses, reimbursement of out-of-pocket expenses and loss of earnings.

02-7359-PW

The claim was received requesting compensation for uncovered medical expenses that were incurred as a result of being victimized.

According to police information, the victim and his family, who are Amish, were operating a horse drawn buggy when a drunk driver hit it. When the victim rounded the curve on the road, the defendant's car was in the wrong lane and struck the victim's buggy. This collision resulted in the victim sustaining spinal damage along with shoulder, hand and knee injuries.

Documentation was submitted supporting medical expenses over \$67,000.00. The Board awarded the maximum amount of \$25,000.00 for uncovered medical expenses. Letters were forwarded to all medical providers requesting that they accept a pro-rated amount as payment in full on all the victim's existing accounts. All medical providers accepted and each provider was awarded the same percentage with no balance being owed by the victim.

01-7271-PJ

The claim was received requesting compensation for uncovered medical expenses for injuries sustained as a result of being shot.

According to the police report, when the initial police officer arrived on the scene, the victim told the officer that he was not going to tell him anything. The victim then changed his mind and stated he was visiting his girlfriend but would not give her name. The police authorities stated that the victim was uncooperative during the investigation and they were not even sure where the crime occurred. They gave the benefit of the doubt to the victim and completed the investigation but no detailed information was found regarding the incident.

The Board denied the victim's request for compensation due to the fact that he was uncooperative initially with the investigating officer and also later on in the investigation. This denial is based on Title 11, Chapter 90, 9006 (a) (3) of the Delaware Criminal Code.

02-7395-DS

The claim was received requesting compensation for funeral/burial expenses and also out-of-pocket funeral expenses. The victim sustained stab wounds to the heart and also penetration to his liver causing his death.

The Board awarded the sum of \$5,147.32 covering funeral expenses and reimbursement of out-of-pocket expenses incurred by the victim's brother coming to this country to transfer the remains back home for burial.

02-7549-PW

The claim was received requesting compensation for unpaid medical expenses and loss of earnings.

According to police information, the victim was a passenger in a vehicle when a driver who was intoxicated hit it. Since this agency is a net award agency all insurance coverage must first be applied before the Board can grant an award. In this case, on several occasions, the victim was requested to submit information from the auto insurance company covering the vehicle and also additional information with regard to her employment. As a result of the claimant's failure to cooperate with the investigator in obtaining the requested information, the Board denied the claimant's request for compensation due to lack of cooperation with the Board. This denial is pursuant to Rule VIII governing the investigation of claims with this agency.

01-7064-PH

The claim was received requesting compensation for unpaid medical expenses incurred by the victim; mental health expenses incurred by both the victim and secondary victim; loss of earnings; out-of-pocket expenses; replacement of door locks and deadbolt and reimbursement for hotel expenses she incurred since she had to leave her apartment

until all repairs were completed.

According to police information, a male intruder assaulted the victim and attempted to rape her in her home. As a result of the assault, the victim sustained injuries to her body as a result of being hit with an aerosol can and punched by the defendant.

The Board granted the victim the sum of \$9,221.14 which included payment of her medical expenses, reimbursement for all requested items; counseling and future counseling for herself and her husband.

01-7023-PW

The claim was received requesting compensation for loss of earnings, uncovered medical expenses and reimbursement of out-of-pocket expenses sustained as a result of being assaulted by her boyfriend.

According to police information, the claimant and her boyfriend were involved in a verbal dispute when he became upset and poured boiling cooking grease on the victim. As a result she suffered severe burns to her face and chest. The victim's insurance carrier except for a small portion covered almost all medical expenses.

The Board granted the victim the total sum of \$13,239.15 mostly for loss of earnings. A small portion of this award was granted for medical and out-of-pocket expenses

01-7199-PJ

The claim was received requesting compensation for uncovered medical expenses and loss of earnings incurred by the victim as a result of being assaulted. The victim sustained a broken knee as a result of a fall due to the assault.

The Board initially denied the claimant's request due to lack of cooperation with the police authorities. The victim was dissatisfied with the Board's decision and requested a live hearing.

A live hearing was scheduled and due to the absence of the investigating officer, the claim was rescheduled for a later date. The hearing was again rescheduled and the investigating officer again failed to show. At that time, the Board heard testimony from the victim. After this testimony, the Board rescinded its original decision and granted an award in the amount of \$11,439.98 for unpaid medical expenses and loss of earnings.

AWARDS GRANTED

FISCAL YEAR 2002

CLAIM NO. AMOUNT

CLAIM NO. AMOUNT

CLAIM NO. AMOUNT

CLAIM NO. AMOUNT

CLAIM NO. AMOUNT

CLAIM NO. AMOUNT

CLAIM NO. AMOUNT

CLAIM NO. AMOUNT

CLAIM NO. AMOUNT

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CLAIM NO. AMOUNT

CLAIM NO. AMOUNT

CLAIM NO. AMOUNT

*CLAIMS DENIED, WITHDRAWN,
DISMISSED, OTHER
FISCAL YEAR 2002*

CLAIMS DENIED/NO COMPENSABLE LOSS			
01-6980-PJ	01-7016-PH	01-7030-PH	01-7052-PH
01-7062-PH	01-7095-PJ	01-7097-PJ	01-7129-PW
01-7265-PS	02-7377-PW	02-7451-PW	02-7455-P
02-7458-PJ	02-7462-PJ		

CLAIMS DENIED/NO CRIME			
01-7074-PW	01-7083-PW	01-7103-DJ	01-7175-PW
01-7204-PJ	01-7205-PW	01-7240-PS	01-7254-PJ
02-7312-PS	02-7337-PW	02-7342-PJ	02-7365-PS

CLAIMS DENIED/CONTRIBUTION			
01-6952-PM	01-6962-DJ	01-7197-PS	01-7233-PW
02-7284-PS	02-7278-PS	02-7295-PW	02-7299-PW
02-7316-PS			

CLAIMS DENIED/LACK OF COOPERATION W/BOARD			
01-7039-PW	01-7065-PJ	01-7066-PH	01-7076-PJ
01-7139-PW	01-7177-D	01-7215-DJ	01-7250-PJ

CLAIMS DENIED/LACK OF COOPERATION W/POLICE			
01-7078-PW	01-7133-PJ	01-7135-PJ	01-7178-PW
01-7199-PJ	01-7271-PJ	02-7323-PS	02-7323-PS

CLAIMS DENIED/OVER ONE YEAR FILING DEADLINE			
01-7160-PJ	01-7262-P	01-7281-P	02-7421-P
02-7428-PS	02-7373-P		

CLAIMS DENIED/INSURANCE SETTLEMENT			
01-7148-PW	01-7051-D	01-7193-PS	01-7256-D
02-7296-PJ			

CLAIMS DENIED/DRUG RELATED			
01-7079-DJ	01-7113	01-7267-PS	02-7426-PW

CLAIMS DENIED/WITHDRAWN			
01-7092-PW	01-7208-PS	01-7222-PW	02-7406-PS

CLAIMS DENIED/OTHER			
01-7163-PJ	01-7210-PS	01-7274-PJ	

CLAIMS DENIED/OVER 72 HOURS REPORTING TIME			
01-7275-PS	02-7368-P		

CLAIMS DENIED/MONEY OWED TO VCF			
01-7260-PS	02-7315-PW		

CLAIMS DENIED/FRAUDULENT CLAIM			
01-7034-PW	02-7438-PJ		

CLAIMS DENIED/DISMISSED			
01-7002-PJ	01-7008-PW		

CLAIMS DENIED/UNDER \$25.00			
01-7200-PJ			

CLAIMS DENIED/NOT CRIME RELATED			
02-7427-PS			